

## **REMARKS**

Examiner in a Final OA dated 4-15-2008 has rejected claims 1 to 20 under the  
5 obviousness rejection 37 CFR §103(a) as obvious over Treyz et al and in view of  
Linehan, some further in view of Lawlor and some in view of Foth.

In this amendment, Applicant has cancelled claims 1 to 20. Claims 21 to 50 were  
subject to restriction in prior office actions and are hereby also cancelled. The Applicant  
10 has added new replacement claims 51 to 70 in lieu of cancelled claims 1 to 20 that  
better define the scope of the invention. No new matter is believed added. Therefore  
rejection is considered moot.

The cited prior art of Treyz teaches use of a cell phone to store and transfer  
15 bankcard data to retail terminal for in store purchase transactions. Linehan teaches four  
party security protocols for online payment transactions between the customer computer,  
customer's card issuing bank, merchant computer, and merchant acquiring bank.

These two prior art do not teach singly or in any combination, features as in  
20 independent claims 51, 63 and 68, for maintaining the privacy and security of customer  
private data including customer bankcard data from the merchant computer system, while  
making payment transactions at a merchant sales terminal.

In Treyz, the use of a mobile wireless device/cell phone is to store customer  
25 bankcard data and transfer that to a retail merchant terminal at the time of purchase  
payment transaction and that is different and distinguishable from the use of mobile  
wireless device/cell phone to receive in merchant terminal id and a payment amount for a  
specific sales transaction and for the merchant sales terminal to transmit such information,  
at the time of a payment transaction as in the system claim 51. These two uses of the  
30 wireless device/cell phone at the time of retail sales payment transaction are inherently  
different, as the later is directed to securing customer private data including bankcard data

from merchant computer systems and the Treyz us is directed to convenience of not having to carry bankcards. Therefore, the system claim 51 is not obvious over the cited prior art. Like wise the dependent claims are not obvious either.

5           In Treyz, the use of a mobile wireless device/cell phone is to store customer bankcard data and transfer that to a retail merchant terminal at the time of purchase payment transaction and that is different and distinguishable from the use of mobile wireless device/cell phone to receive in merchant terminal id and a payment amount for a specific sales transaction and for the merchant sales terminal to transmit such information,  
10           at the time of a payment transaction as in the method claim 63. These two uses of the wireless device/cell phone at the time of retail sales payment transaction are inherently different, as the later is directed to securing customer private data including bankcard data from merchant computer systems and the Treyz us is directed to convenience of not having to carry bankcards. Therefore, also the method claim 63 is not obvious over the  
15           cited prior art. Like wise the dependent claims are not obvious either.

          In Treyz, the use of a mobile wireless device/cell phone is to store customer bankcard data and transfer that to a retail merchant terminal at the time of purchase payment transaction and that is different and distinguishable from the use of mobile  
20           wireless device/cell phone to receive in merchant terminal id and a payment amount for a specific sales transaction and for the merchant sales terminal to transmit such information, at the time of a payment transaction as in the function claim 68. These two uses of the wireless device/cell phone at the time of retail sales payment transaction are inherently different, as the later is directed to securing customer private data including bankcard data  
25           from merchant computer systems and the Treyz us is directed to convenience of not having to carry bankcards. Therefore, the function claim 68 is not obvious over the cited prior art. Like wise the dependent claims are not obvious either.

## CONCLUSION

In conclusion, Applicant respectfully asserts that claims 51 to 70 are patentable for the reasons set forth above, and that the application is now in a condition for allowance.

5 Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

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Respectfully submitted,



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